

Tu tenant news

Free newspaper of the Tenants' Union of NSW

Issue 81 March 2006

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Aboriginal Housing Making it Sustainable and Viable

by Carmen Jauregui, Ruth Simon & Jim Allen

The two biggest providers of Aboriginal housing are currently undergoing review/reforms. The NSW Aboriginal Lands Council is currently reviewing the Aboriginal Lands Rights Act 1983. The Aboriginal Housing Office (AHO) is undertaking an internal review.

These two organisations, along with the Department of Housing, are the biggest providers of Aboriginal housing. The Department of Housing manages some 4,500 properties for the AHO, previously known as Housing for Aboriginals (HFA). There are also smaller housing providers such as housing corporations and housing cooperatives that do not belong to either the Aboriginal Housing Office or a NSW Local Lands Council.

Aboriginal People and Housing

Lands Councils own the majority of Aboriginal housing. Lands Councils inherited their current housing stock when property was transferred from former reserve lands owned by the NSW Lands Trust to the NSW Local Aboriginal Lands Councils now known as discrete community missions or stations.

This housing stock was already in poor condition when the Lands Council took over management of the housing stock. The Aboriginal Housing Office CEO, Russell Taylor, stated that "repairs and maintenance costs for Aboriginal housing is estimated at \$30 000 per house".

At the moment there is some rethinking of how Aboriginal housing is to be managed.

The Aboriginal Lands Rights Act 1983 legislation that administers Lands Councils is being reviewed.

The NSW Aboriginal Housing Act 1998 established the Aboriginal Housing Office which is responsible to the NSW Minister for Housing.

The Aboriginal Housing Act 1998 saw the transfer of HFA properties from the Department of Housing to the

AHO however, they are still managed by the Department of Housing.

The Aboriginal Housing Office is currently undergoing its own internal reform.

Lands Councils and the Aboriginal Lands Rights Act 1983 Review

The Aboriginal Lands Rights Act 1983 was established to protect and promote the rights and interests of Aboriginal people in NSW.

The Act establishes a three-tiered system:

- A peak body - NSW Aboriginal Lands Council (NSWALC)
- Regional Aboriginal Lands Councils
- Local Aboriginal Lands Councils (LALC)

There are currently 120 LALCs across NSW. They are able to acquire, hold title to, manage and use lands, run enterprises and provide and upgrade housing.

The primary purpose of the Aboriginal Lands Rights Act 1983 is to acquire, manage and develop land to meet the social, spiritual and economic needs of Aboriginal people.

Currently NSWALC is reviewing the Aboriginal Lands Rights Act 1983. The NSWALC has outlined its preferred options in two review papers.

Colin Plowman, Director of Governance at NSWALC,



Front Row: Lee Skinner, Second Row: Steve Rigney, Cheryl Corbett, Brett Webb, Meryl Crole, Cathy Bingham, Jim Allen, Third Row: Allan Brown, Jenny Thomsen, Ruth Simon, Carol Webb, Back Row: Colin Davidson, Mark Smith.

said that the review is to "make it [the Aboriginal Lands Rights Act] more contemporary, make the system more sustainable and effective."

Housing and LALC

Currently the LALCs are responsible for nearly 60% of housing provided to the Aboriginal community. They own nearly 30% of housing stock in NSW.

A paper, Structure, Representation, Governance and Benefits, states that much of the housing stock is not well maintained. It also highlights that the cost of providing housing is approximately \$8-\$10 million per year

It stresses that social housing is not financially viable for LALCs. Housing costs are not matching income received. It acknowledges that many LALCs, for a variety of reasons, have difficulty in performing their primary purpose of managing their assets. Providing housing to the community is an additional service many LALCs do not have the capacity to do well.

The review has highlighted the low skill-base of LALCs. It is investigating different management models to maximise lands council assets.

A viable and sustainable community and public housing sector is critical for Aboriginal people. According to research by the Australian Institute of Health and Welfare 70% of Aboriginal people rent compared to 30% of non-Aboriginal people. About half of them rent from the public and community housing sector, only one quarter rent privately. The current state of housing in the Aboriginal community is very poor and poorly maintained.

...continued on pg 5



tenants' union of nsw

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Tenant News are not necessarily those
held by the Tenants' Union of NSW.*

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Aims of the Tenants' Union

The Tenants' Union aims to represent the
interests of tenants in NSW, both private
and public, including boarders and lodgers
and residential parks tenants by:

- raising awareness about tenants' problems and rights
- providing high quality advocacy and advice to tenants
- lobbying for improvements in residential tenancy laws
- promoting secure and appropriate housing solutions
- supporting, training and resourcing local, independent statewide tenants advice services.

Vision

A society in which people in New South
Wales are able to access safe, secure
and affordable rental housing.

Values

The Tenants' Union applies the following
values to the full range of its activities:

- A belief that all people have a right to safe, secure and affordable rental housing
- A belief that social justice is critical to the health of any society
- Commitment to efficient use of public funds to promote just housing outcomes for people in NSW
- Commitment to engaging the tenants of NSW in the running and direction of a

democratic, responsive and constituent-based tenancy organisation

- Commitment to ensuring that those groups within NSW who are particularly disadvantaged, such as Aboriginal and Torres Strait Islander communities, people with disabilities, vulnerable youth and the aged are able to access the services of the Tenants' Union
- Commitment to working collaboratively with government, tenancy organisations and other community-based groups to promote equitable housing outcomes for the people of NSW
- Commitment to ensuring a productive workplace that promotes occupational health and safety for employees

Mission statement

The Tenants' Union seeks to promote a secure, affordable and appropriate housing environment by representing the interests of all tenants and other renters in NSW & by working towards just and sustainable solutions to housing problems.

We do this by:

- Engaging tenants in a democratic organisation
- Raising awareness of tenants' rights, developing policy solutions to housing problems & conducting lobbying & law reform activities in support of better housing
- Providing quality legal advice and information services to tenants in NSW
- Supporting the work of tenancy organisations
- Operating an efficient & productive secretariat.

The Tenants' Union of NSW is a community legal centre that has been active in promoting the rights of more than 1.5 million tenants in NSW since 1976.

Over this time we have advocated on behalf of tenants to State and Federal governments, and we have developed numerous resources providing information for tenants and tenants' advocates regarding the rights of tenants in NSW.

Tenants' Union Board of Directors

David Vaile (Chair), Ruth Simon (Treasurer),
Sue Scott (Secretary)

James Allen, Joy Connor, Brendan Edgeworth,
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Editorial

by Christine Gibson, Editor

Greetings Readers in this the Year of the Dog!

The recent untimely death of the much loved and highly respected Harvey Volke has left much emptiness in many hearts and organisational roles. One gap that I will do my best to fill is the editorial role associated with Tenant News (Harvey became Editor in 2001). I know that I am not alone in admiring Harvey for his passionate engagement in the fight for fairness. I sincerely hope that with the continued support of the members and staff of the Tenants' Union and advocates from many other spheres, Harvey's legacy will be kept alive.

I joined the Tenants' Union 20+ years ago. As a mature-age student and mother I experienced the trials and tribulations of trying to maintain a toe-hold in the private rental market while being reliant on a low fixed income. Then I became one of the lucky people who benefited from participation in the Community Tenancy Scheme. Over the years I have retained an interest and involvement in tenancy matters and housing issues. However I am only too aware that in no way can my modest contribution match Harvey's!

Change is the modern experience even if it is slow! In this issue of Tenant News proposed advances in the legal protections afforded to residential park residents are discussed, information about alterations to governance arrangements relating to indigenous housing provision in NSW is presented along with a range of other items of interest.

Help us to improve future issues of Tenant News!

Send your feedback and any suggestions for topics you'd like covered to

Christine Gibson, Editor c/-tenantnews@fcl.fl.asn.au



**Don't Let
Your Landlord
Rip You Off!**

**The Tenants Union NSW
website contains a lot
more information about
tenancy issues
including latest news,
fact sheets,
contact details for your
local tenancy service
and much more!**

**www.tenants.org.au
www.tenants.org.au
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Tenants' Union Celebrates 30 Years in August 2006

This year sees the Tenants' Union of NSW celebrate 30 years of fighting for tenants' rights through campaigns and advocacy to initiate policy change. Tenant News will be reflecting on these 30 years in future editions.

Early Tenant Struggles in Australia

The first record of a tenant organisation in Australia was the NSW Rent Payers' Association which existed from 1910-1916. It fought for (and won) fair rent legislation and it represented tenants in court in a similar fashion to today's tenant advocates.

During the Depression years, evictions, long an unwanted part of life for the working class in Australia, skyrocketed. Sydney courts sent out 6484 eviction orders between December 1934 and September 1935 alone. So began the next chapter in tenant organising. Most resistance to evictions was organised through the Unemployed Workers Movement. Large numbers of people gathered to demonstrate and sometimes to occupy and barricade houses to prevent evictions.

Rent controls were introduced to Australia during the Second World War, being deemed 'in the national interest'. During the post-war period, the private rental market continued to shrink along with an increase in home ownership. In 1968, laws were introduced to prevent the creation of any new protected tenancies.

By the mid 1970s fewer and fewer tenants were protected by rent control. With no laws to protect them against the whims of their landlords, tenants were left completely at the mercy of market forces. This meant that they were particularly vulnerable to rent increases and evictions without cause. It was around this time that tenant organisations, as we know them today, began to form.

Formation of the Tenants' Union of NSW

In 1974 Robert Mowbray, a social work student at that time, was doing his final field work placement at South Sydney Community Aid (SSCA) assisting tenants. Robert conducted research into why many SSCA clients were tenants having trouble with their landlords. This research led to the receipt of funding from both the Whitlam government and the Methodist Church for a Tenants' Rights Project in 1975-76. After completing his studies, Robert Mowbray was employed through

this Tenants' Rights Project funding to produce a Tenants' Rights Manual for use by those advising tenants. As well as a handbook for tenants, *Your Rights as a Tenant in NSW*, was published in five languages.

At the same time, the Chapel by the Sea at Bondi (Methodist Church) funded a tenant worker position which was filled by Andrew Bush. The Bondi-Waverly Tenants' Association was formed, the first private tenant organisation since World War One.

In March 1975, Shelter NSW called for the establishment of a Tenancy Working Group. Representatives from Bondi-Waverly Tenants' Association, South Sydney Community Aid, the Housing Association for Low Income Families in Lidcombe, the Manly Rate Payers and Residents Association, Labor Community Services and ACOSS participated in the working group.

In 1976, the working group presented a submission to the Department of Youth And Community Services to gain support for the establishment of a Bond Fund. A Bond Fund would keep tenants' money safe and the interest earned could be used to fund non-profit tenants' advice services. Later that year the NSW government announced the creation of the Rental Bond Board, but initially the interest money was used to help first home buyers not to fund tenant services.

The Tenancy Working Group wanted to form an organisation of tenants. It was felt that if the organisation was incorporated it could attract funds for the provision of services and it could also protect members from being sued. Highlighting the practices of some real estate agents and landlords left tenants and their advocates vulnerable to being sued for defamation.

The Tenants Union of NSW held its formation meeting on August 17 1976 at the offices of the Australian Council of Social Services.

To be continued.....

SOURCES:

"Unfinished Business - The Story of the Tenants' Union of NSW 1976-1996", Paul Mortimer

"Lock Out The Landlords! Anti-Eviction Resistance 1929-1936", Barnacle Books Pamphlet Series #4

From the Hotline

I'm in Community Housing. My landlord rents the house from a private landlord. When I ask my landlord for repairs they say it is difficult to get the owner to do repairs. What can I do?



The arrangement between you, the CHP (Community Housing Provider) and the owner of the house is called head leasing. It comes with some confusing terms like: sub-tenant, head-tenant and head-landlord. But I am going to stick with "CHP" and "owner" to try to keep it clear.

For repairs, there is no difference between your tenancy and a tenancy in the private rental market. The relationship between you and the CHP is a Residential Tenancy Agreement. This agreement includes an obligation on the CHP to maintain the premises in reasonable condition.

So - you should write a letter to the CHP informing them of the need for repairs and giving them a deadline to do the repairs, or provide a schedule for repairs.

If you do not get a satisfactory response, you can apply to the Consumer, Trader and Tenancy Tribunal within 30 days of the deadline you have set. You should apply for orders:

- that the particular repairs be done
- for rent reduction (if failure to repair has reduced the amenity of the place)
- for compensation (if you have suffered any loss)
- for rent to be paid into the Tribunal until the repairs are done and
- leave to renew the application if orders



are not obeyed.

The Tribunal is not likely to make all these orders the first time. But, if you have to return to the Tribunal because repair orders have not been obeyed, further orders can be made.

It is in the Tribunal process that the head leasing may be taken into account.

If you apply to the Tribunal, the CHP may wish to apply against the owner and have the applications heard together. Another possibility is that the CHP may ask the Tribunal to join the owner to your application, as another respondent.

It is important to note that an order can be made for your landlord (the CHP) to do work or take steps to obtain the repairs. Difficulties with the owner do not alter the CHP's repair obligation to you.

Get some advice from your local Tenants Advice Service if you reckon you need to go to the Tribunal.



The Tenants' Union Hotline operates between 9.30 am-1 pm, and 2 pm-5 pm weekdays.

Shelter NSW Housing Seminar

Private rental: How can it work for low-income renters?

Architecture Lecture Theatre 1, Wilkinson Building, University of Sydney,
15 June 2006

Recent changes to public housing in New South Wales mean that, in the future, only those individuals and families with high levels of special need will be offered public housing. Further, when their situation improves, the same people will be required to move out of public housing. For these reasons there is an urgent need to focus on the capacity of the private rental market to meet the needs of low to moderate

income households for affordable housing. Will the market respond to that need? Can new types of investors, like superannuation funds, be enticed into the private rental market? Are there policy and tax changes that Governments can enact to increase investment at the bottom end of the market? This seminar will explore these and related issues.

More Info:

web: www.shelternsw.org.au

ph: 02 9267 5733

email: robert@shelternsw.org.au



Are We There Yet? Are We There Yet? Are We There Yet?

Residential Parks Act Amendments - Two Years and Three Ministers Later

from PAVS, Parks And Village Service

It was November 2003 when the Park and Village Service first outlined concerns and issues we believed should be included in the initial discussion paper on the statutory review of the Residential Parks Act 1998. The last two years have seen residents' groups, delegations from the NSW Residential Parks Forum and PAVS staff meet with three Ministers for Fair Trading as well as compiling endless submissions and attending countless meetings to outline concerns in relation to the Act.

Finally, we have the Residential Parks Amendment (Statutory Review) Bill 2005 which was passed by Parliament in December 2005 and is expected to commence in early April 2006.

Diane Beamer, NSW Minister for Fair Trading is to be congratulated for her "whole of Government approach" to residential parks and the many improvements outlined in the Bill. PAVS is of the view that the Residential Parks Act is probably the most comprehensive Act of its kind in Australia, and will be even better if a number of shortcomings are addressed. However, we believe the proposed improvements do not go far enough. Our main concerns are:



Tribunal May Value Dwellings To Facilitate Sale

The new Bill allows the Tribunal to set a value on a resident's home if the home is to be sold to the park owner and the resident and park owner cannot agree on a purchase price. The determination of the Tribunal will exclude any consideration of the location of the dwelling. PAVS believes that this is not fair as residents have paid on-site market value for their dwellings and pay higher rent and site fees if the park is in a desirable location. For example, the same style and aged dwelling, made by the same manufacturer would achieve a higher purchase price if located at Narrabeen rather than Penrith. If residents are required to relocate because their park is being redeveloped or closed and they are not able to find a suitable alternate site to move to they should receive sufficient compensation to allow them to purchase a similar dwelling on a similar park in a similar location. PAVS notes that in the recent Lane Cove Tunnel collapse residents were offered the pre-collapse value of their homes rather than the reduced value following the collapse of the tunnel. We believe the same principal should apply here.

Coverage of the Act

The new Bill proposes to increase coverage of the Act so that residents, who have to leave their homes in the park for extended periods for reasons of receiving health care, will not lose any of their rights. PAVS concern is that the Bill does not cover many other circumstances where the park industry might argue that a resident loses coverage of the Act. For example: on taking up an offer of Department of Housing accommodation or if the incumbent resident dies. We feel that residents should have the full protection of the Act until the residential tenancy agreement [including site agreements] is terminated in accordance with s95 of the Act.

Excessive rent increases

The new Bill proposes to prevent park residents from challenging a rent increase in the Consumer, Trader and Tenancy Tribunal if that increase is in line with or below the current Consumer Price Index [CPI]. PAVS concern is that a park owner will be able to obtain a full CPI increase without justification and for the full period since the last increase, no matter how long ago that was. For example, a group of park residents and the park owner may have reached an agreement in 2000 that they would pay a higher rent increase then in return for several years of no rent increases, but now the park owner can retrospectively levy a rent increase that incorporates the full CPI for the past 5 years. In effect this provision will largely negate the section of the current Act, which deals with the conduct of the parties. Additionally if a resident has a fixed term agreement that currently limits rent increases until the fixed term has expired, there will no longer be any benefit to having a fixed term agreement.

PAVS asks "why should the residential park industry have the benefit of automatic profits when every other industry (and worker) is expected to increase productivity before realising increased gains"?

Termination For Change Of Use

The new Bill says the Tribunal can give a park owner permission to issue notices of termination to park residents if there is to be a change of use that does not require a Development Application and if the Tribunal is satisfied that the park owner "genuinely intends" to use the land for something other than a residential site. PAVS believes this provision does not go far enough. We believe that a park owner should have to demonstrate that all impediments [legal or otherwise] have been overcome to implement the proposed change of use before being allowed to issue termination notices. "Genuine intention" is a subjective rather than objective test and will only be examined at the time it comes before the Tribunal. A park owner could

subsequently change his/her mind. An objective test should examine how the proposal is to come to fruition. In addition the resident needs to be able to seek orders from the CTTT rescinding the notice if they have evidence that the park owner no longer intends to proceed with his/her original stated intention that the site will be used for a purpose other than that of a residential site.

PAVS asks "why should the residential park industry have the benefit of automatic profits when every other industry (and worker) is expected to increase productivity before realising increased gains"?

Additionally, if a park owner serves notice for a change of use, a resident is liable to pay rent until the stated date of vacation [this can be up to 12 months]. We believe that there should be a provision allowing residents, who receive such a change of use termination notice, to serve a 21 day notice on the park owner during the park owner's notice period while retaining their right to compensation for relocation and termination pursuant to the Act. If residents cannot leave during the notice period it negates any advantage in receiving compensation early.

Water Availability Charges

The new Bill allows park residents to be charged for "water availability" this means people who live in residential park premises can be charged a proportion of a commercial charge that is based on the size of the pipe that delivers water to the park. PAVS is concerned that residents who live in parks, which only have a few residential sites, or parks which reduce the number of their residential sites will be at a disadvantage. We believe the best option would be to remove any reference to a water availability charge. PAVS believes residents should be eligible for the reductions for eligible pensioners pursuant to s575 of the Local Government Act. This provision limits the total amount that an eligible pensioner can be required to pay.

Park residents should not pay more for their water than if they were direct customers of the local supply authority.

PAVS, along with the NSW Residential Parks Forum and Resident Groups is hoping many of the issues raised above will be addressed by further amendment or Regulation. There is no point in having one of the most comprehensive Residential Parks Acts in Australia if its effectiveness is diminished by failing to completely address all the issues.



2006 NSW Community Housing Conference

The NSW Community Housing Conference is on again! It will be held at the Newcastle City Hall on Wednesday 16th & Thursday 17th August.

Who should attend?

- Housing workers & providers
- Tenants/advocates of social housing
- Peak non-government organisations
- Government policy, planning & housing workers – state/local
- Supported accommodation providers
- Academics with an interest in social & affordable housing
- Community organisations who work in partnership with housing providers
- Others with an interest in community & affordable housing

A provisional program and registration information will soon be posted on a conference webpage on the Hotelnetwork website: www.hotelnetwork.com.au

The NSW Federation of Housing Associations, Association to Resource Cooperative Housing (ARCH) and Churches Community Housing auspice this biennial event.

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The Review's Preferred Housing Options

Financially viable social housing programs should be managed by LALCs with the approval of NSWALC

Housing management should be included in the LALCs Community Land and Business Plan to NSWALC that outlines how LALCs are to manage their housing.

LALCs that do not have the capacity to manage their housing should outsource their management to other housing providers or property managers

The criteria to manage housing should be set out in the Act

If property management is outsourced the housing stock remains the property of LALC

If NSWALC does not give approval to LALCs to manage their housing programs then the management will be outsourced to the Aboriginal Housing Office or another body

The Aboriginal Housing Office (AHO)

The AHO's objective is to provide a sustainable Aboriginal Housing Sector in line with the Aboriginal Housing Act 1998.

The AHO is being reformed so that it meets this objective.

AHO Business

The AHO provides subsidies to 'eligible organisations', Aboriginal Community Housing Providers (ACHP), which are registered with the AHO, in much the same way as it does with non-indigenous community housing providers.

The AHO is responsible for monitoring and reporting to both State and Commonwealth Governments about the funds provided to Aboriginal Community Housing Providers.

Funding to ACHP includes:

- design and construction of new houses

- purchase of existing houses
- repairs and maintenance to existing houses
- upgrade of existing houses.

The AHO provides support and training to assist ACHP to fulfil their objective of providing sustainable community housing. The AHO also has its own housing portfolio. After

the LALC network, the AHO is the second largest provider of housing to Aboriginal tenants.

Making AHO

Sustainable And Viable

AHO objectives are consistent with the Department of Families, Community Services and Indigenous Affairs Building a Better Future 2010.



Above: AHO, (L) Russel Taylor, CEO, (R) Allen Hedger, Assistant CEO

The desired outcomes for

Building a Better Future 2010 are;

- better housing
- better housing services
- more housing
- improved partnerships
- greater effectiveness and efficiency
- improved performance linked to accountability
- coordination of services.

To this end the AHO wants

- ACHPs to be financially secure and able to provide housing in good condition to Aboriginal people

■ ACHP funding to be linked to their performance and accountability

■ AHO and ACHP housing to be of an acceptable standard

■ AHO training to be decentralised into regional areas to provide capacity-building and support to ACHPs.

The AHO hopes that strong regional engagement will ensure that AHO has a close working relationship with ACHPs.

These changes to the two biggest providers of Aboriginal housing aim to provide better outcomes for Aboriginal tenants.



Above: Colin Plowman, Director Governance NSWALC

References

| | |
|--|--|
| www.facs.gov.au - Building a Better Future: Indigenous Housing 2010 | www.alc.org.au |
| www.abo.nsw.gov.au - Community Info- AHO Housing Guidelines | Review of the Aboriginal Lands Rights Act 1983 |
| -Funding and Compliance Requirements | Summary of Issues Paper 2 Structure, Representation, Governance and Benefits |
| -Responsibilities and Procedures | Aboriginal Lands Rights Act - Background Paper |
| | NSW Aboriginal Land Council Fact Sheet |



Tenancy News Across the Globe...

World Urban Forum

The World Urban Forum was established by the United Nations to examine rapid urbanisation and its impact on communities, cities, economies and policies.

The World Urban Forum is a biennial gathering attended by a wide range of partners including non-government and community-based organisations, urban professionals, academics, governments, local authorities and national and international associations of local governments.

The third session of the World Urban Forum (WUFIII) will be hosted by the Government of Canada. Our Future: Sustainable Cities – Turning Ideas into Action will take place in Vancouver, Canada, from 19 to 23 June 2006.

<http://www.iut.nu/>

Prisoner Sues State over Jail Crowding

A prisoner has filed an application in the High Court of South Africa asking the Court to declare that overcrowding in prisons is unlawful and violates the constitutional rights of prisoners. The prison population in South Africa is 155 000, while the prisons only have room for 114 000.

The plaintiffs want a ruling that overcrowding violates prisoners' rights to life, human dignity, and freedom from all forms of violence, their right not to be treated or punished in a cruel, inhumane or degrading way, and their right to medical treatment, all of which are guaranteed under the Constitution.

In the application, the High Court is being asked to order the Government of South Africa to take all necessary steps to reasonably address overcrowding in prisons, and to provide the Court with a report as to the implementation of the order sought, including a timetable, within four months of that order being granted.

Housing and ESC Rights Law Quarterly, vol. 2. – No.3, November 2005 pg 8, www.cohre.org



Fears For Millions Of Homeless As Cold Snap Sweeps Europe

Homeless and low-income people in Russia, Poland, Romania and other European countries – numbering in the millions – are at risk of death or permanent disability caused by exposure during the cold snap currently sweeping through the continent.

Scott Leckie, Executive Director of the Geneva-based Centre on Housing Rights and Evictions (COHRE), said, "The authorities throughout Europe need to act now to prevent any further deaths or disability due to the extreme cold. Homeless people, especially children and the elderly, are the worst affected. Their lack of adequate housing makes them vulnerable to hypothermia, frostbite and death. COHRE understands nearly half of the deaths in Russia, Poland and Romania caused by the cold snap were of homeless people. This is a tragedy that could have been averted with proper housing policies that addressed the needs of the most vulnerable."

It is not only the homeless that have been severely affected. All low-income people who cannot afford or have no access to proper heating have been forced to find alternative refuge from the cold. We call on all governments to protect, respect and fulfil the human right to adequate housing of all people within their borders, and to immediately mobilise all available resources to provide shelter, food and heating."

<http://www.cohre.org/lbframe.htm>
COHRE media release, Friday 27 January 2006

...And Around Australia.

Residents Win a Victory for All

Residents of movable homes in caravan parks throughout Victoria can relax safe in the knowledge that their right to protection under the Residential Tenancies Act 1997 have been upheld by the Victorian Civil and Administrative Tribunal (VCAT) in an important decision just handed down. Legislative protection for residents across the state was in doubt after the owner of the Summerhill Residential Park claimed it was not a caravan park and therefore that the residents were not covered by the Residential Tenancies Act. Residents, assisted by the Tenants Union of Victoria, challenged proposed rent increases at VCAT.

"By fighting against a wealthy owner, who was claiming he wasn't covered despite serving notices under residential tenancy law, the brave residents at Summerhill have not only stood up for themselves but for all Victorian residents of caravan parks" said David Imber (Policy and Liaison Worker, the Tenants Union of Victoria).

"VCAT has not only given residents the green light to challenge their rent increases but also provided important guidance on the correct application of the test for the movement of mobile homes. We are satisfied that this provides certainty to the thousands of residents in similar parks across the state."

The challenge to coverage was based on the owner's argument that the mobile homes at Summerhill cannot be moved within 24 hours, which is required by the Act for the park to be classified as a

caravan park. The two experts, whose reports were paid for by the park owner, did not persuade VCAT Member Kefford that the dwellings weren't moveable.

David Imber said "Caravan park and mobile home residents can be among the most vulnerable and disadvantaged renters in Victoria. Many are elderly and don't have the financial resources to live in alternative accommodation let alone assert their rights against wealthy owners and city law firms. It is crucial that these residents have appropriate protection under law and the advocacy provided by the Tenants Union."

Tenants' Union of Victoria, Press Release, 16 January 2006

Olympic Sized Rip-off On Affordable Housing

The Council of Social Service of NSW (NCOSS) has called on the NSW Planning Minister to dramatically increase the affordable housing target in the \$190 million residential development announced yesterday for Sydney Olympic Park at Homebush Bay.

"A pathetic 3% of the estimated 673 residential units are to be set aside for lower cost housing," said NCOSS Director, Gary Moore.

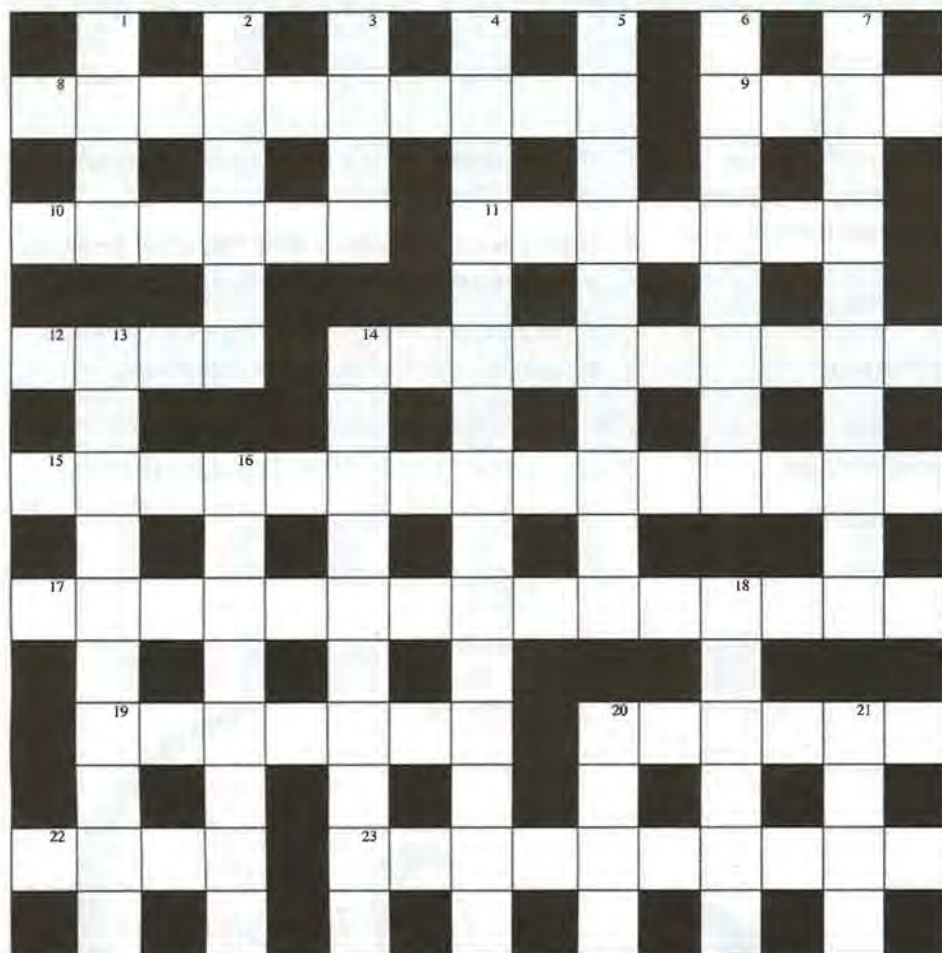
"Approximately 30% of households in NSW are low income earners who require affordable public, private rental or cheap home ownership options."

NCOSS participated in lengthy discussions with the Sydney Olympic Park Authority (SOPA) in 2005 about creating a vibrant social mix of households, supported by quality public transport, community facilities and good access to jobs and services over the next 20 years at Homebush Bay. Yesterday's announcement reinforces fears that, like so many other major Parramatta River residential developments, this one will also become the preserve of the affluent. The time has surely arrived when the Premier's promise of much better performance on affordable housing has to be made tangible."

NSW Council of Social Services Media Release, 10 February 2006



CROSSWORD



ACROSS

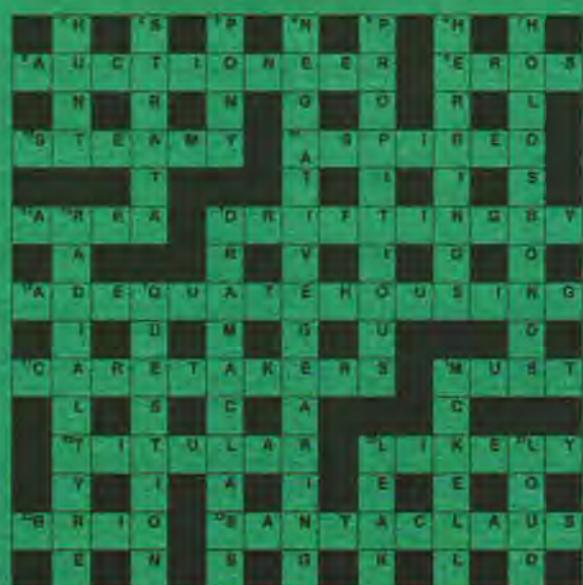
8. seller of houses through a process of bidding (10)
9. god of love and share-houses (4)
10. condition of a bathroom when the landlord has failed to repair the exhaust fan (6)
11. aimed for or sought ambitiously eg home ownership (7)
12. locality; sub-regional administrative division in the Department of Housing (4)
14. floating past (8, 2)
15. a fundamental human right recognised at article 11 of the International Covenant on Economic, Social and Cultural Rights (8, 7)
17. property attendants who reside at boarding houses (10)
18. to be obliged or compelled to without discretion eg the making of eviction orders by the Tribunal in proceedings relating to acceptable behaviour agreements (4)
19. pertaining to a title (7)
20. probable; the degree of possibility required in relation to anti-social behaviour before the Department of Housing agrees to request an acceptable behaviour agreement (6)
22. spirit, vivacity, as displayed by tenants' advocates in the Tribunal (4)
23. festive figure who delivers annual rewards for good behaviour, hasn't visited a landlord in years (5, 5)

DOWN

1. search out and find, especially an animal or a house (4)
2. type of property title used in unit developments (6)

3. an animal, not suitable in modern apartments (4)
4. taxation arrangement, much favoured by landlords (8, 7)
5. favourable, eg rental premises located close to transport or schools (10)
6. fishy treat, much favoured by Scandinavian tenants (8)
7. what Renting Services does on behalf of the Rental Bond Board (5, 5)
13. piece of pneumatic motoring equipment, favoured by petrol-headed tenants (6, 4)
14. tenants aspiring to a career on stage should take one of these (5, 5)
16. a means of eliciting information, eg from a witness in a Tribunal hearing (8)
18. NSW Premier who established the NSW Housing Commission in 1942 (6)
20. a fault, especially in a roof or pipe, that a landlord must repair (4)
21. voluble, noisome; behave in this way under an acceptable behaviour agreement and you're in trouble (5)

Solutions: High Court Crossword



Tenants Rate A Mention

Here are a few tenancy stories which made it into NSW media in the last few months. Please feel free to send the TU your media stories, especially from radio, TV or regional newspapers.

A Public Housing Heart

NSW Minister for Housing, Cherie Burton, has extended the Community Development Worker position at Northcott public housing estate in Surry Hills for a month. There has been pressure put on the Minister to maintain the Community Development Position in this estate and possibly those in other estates across NSW. The Minister is awaiting the findings of an independent consultant's report about the position. Let's hope that building better communities wins out in the end!

South Sydney Herald February 2006

Public Housing Going Cheap!

The Independent Commission Against Corruption has launched an investigation over suspect conduct by a Department of Housing employee. The former employee admitted that he sold public housing cheaply to real estate agent friends who then sold them for a profit. The former DoH employee and the real estate agents shared profits of more than \$600 000.

Daily Telegraph 8 February 2006

Strata Laws On The Move

There are moves to change the existing strata laws to make it easier for a block of units to be sold, redeveloped or demolished. This is part of wider urban consolidation planned by the Government. However an important side effect of such legislative change will be the "inevitable displacement of residents. Rundown strata blocks are homes to low-income or elderly residents, often tenants."

Sydney Morning Herald 20 February 2006

The Real Estate Agent, The Thief, The Ex-Wife and Her New Lover

A woman sought revenge on her former husband, a real estate agent, by stealing "\$110 000 worth of jewellery, watches and other loot from homes for sale in affluent suburbs". She would go into houses that were open for inspection to get even with her former husband. "I have built up an intense hatred of real estate agents," she said.

Daily Telegraph 10 January 2006

Ageing Renters

The Australian Institute of Health and Welfare says that "the demand for affordable housing has risen at the same time as public housing stock has declined". The co-author of the report (name of report?) said that "it was likely more people of pension age would end as renters". He went further and said that "an ageing population and declining home ownership rates among the 25-34 year olds, as well as high housing prices, would contribute to the rise in the number of lifelong renters."

Sydney Morning Herald 1 December 2005

Boarding House Residents Still Forgotten People.

Newtown Neighbourhood Centre has released the results of their research project, Opening These Doors, that highlights the problems of residents living in unlicensed boarding houses. Leigh Connell from the Centre said "The threat of homelessness is constant, particularly as people become unwell and their medication becomes a burden that can be difficult for some to manage". The Shadow Minister for Ageing and Disability John Ryan, said that "recommendations to reform laws protecting residents of boarding houses" have been ignored.

Inner Sydney Voice Issue 102 Summer 2005



Tenants Have Rights!

How to avoid problems

- ✓ Start by reading your residential tenancy agreement. Get some help if you can't understand it.
- ✓ Tell your landlord or the landlord's agent about any problems and tell them what you want. You should confirm anything you agree to in writing and send your landlord a copy.
- ✓ Remember that the agent works for the landlord.
- ✓ Keep a written record of what happens between you and your landlord or agent, including what each of you said and when.
- ✓ Keep copies of your:
 - Residential Tenancy Agreement
 - Condition Report
 - Receipts for rent and bond money
 - and all letters and written records.
- ✓ Never sign a blank form or any papers you don't understand.
- ✓ If you receive notice of a Tribunal hearing you should always attend.
- ✓ If you stop paying rent you can be asked to leave. Rent strikes do not work.

Remember: your landlord can't evict you - only the Tribunal can.

For more help

Contact your local Tenants' Advice and Advocacy Service.

Sydney Metro

| | |
|----------------------|---------------------------|
| Inner Sydney | 9698 5975 |
| Inner Western Sydney | 9559 2899 |
| Southern Sydney | 9787 4679 |
| South West Sydney | 4628 1678 or 1800 631 993 |
| Eastern Suburbs | 9386 9147 |
| Western Sydney | 9891 6377 or 1800 625 956 |
| Northern Sydney | 9884 9605 |

Coastal

| | |
|---------------------------|---------------------------|
| Illawarra/ South Coast | 4274 3475 or 1800 807 225 |
| Central Coast | 4353 5515 |
| Hunter | 4969 7666 or 1800 654 504 |
| Mid Coast | 6583 9866 or 1800 777 722 |
| Northern Rivers | 6621 1022 or 1800 649 135 |

Greater Western NSW

| | |
|------------|---------------------------|
| North West | 6772 8100 or 1800 836 268 |
| South West | 6361 5307 or 1800 642 609 |

Specialist

| | |
|--------------------------------|-----------|
| Older Persons Tenants' Service | 9281 9804 |
| Parks and Village Service | 9281 7967 |

Aboriginal Services

| | |
|----------------|---------------------------|
| Western NSW | 6882 3611 or 1800 810 233 |
| Southern NSW | 4472 9363 or 1800 672 185 |
| Northern NSW | 6643 4426 or 1800 248 913 |
| Greater Sydney | 9564 5367 or 1800 772 721 |

Tenants' Union Hotline

| | |
|--------------------------|--------------|
| Mon-Fri 9.30am-1 & 2-5pm | 1800 251 101 |
|--------------------------|--------------|

www.tenants.org.au

For fact-sheets and for further information about the Tenants' Advice and Advocacy Program



Membership Application

TAX INVOICE

I would like to apply for membership of the Tenants' Union of NSW Co-operative Limited ABN: 88 984 223 164

Name / Organisation:

Address:

Phone: (home)

Phone: (work)

This is a: (please ✓ one)

☐ new membership ☐ renewal

(Membership Number)

I am a: (please ✓ one)

☐ tenant ☐ tenant organisation
☐ non-tenant ☐ non-tenant organisation
☐ other (please specify)

Annual fee runs from 1 January to 31 December.
 New members can pay half fees after 30 June.
 First membership fee paid covers cost of share.

unwaged \$8.00 waged \$16.00 organisation \$32.00
 (all include GST component)

Please find enclosed cheque / money order to the Tenants' Union for:

Membership:

Donation:

Total:

I am over 18 years of age. I support the objectives of the Tenants' Union of NSW.

Signed:

Date:

return to: Tenants' Union of NSW, 68 Bettington Street, Millers Point 2000